

November 13, 2012

I am writing in opposition of the latest proposed regulations for mobile vending.

I have been a District (Ward 2) resident for nearly 8 years. After moving to DC, I attended and graduated culinary school before launching our business, The BBQ Bus.

From the time I was a child, I would share time with my family in our restaurants in Florida. From the age of 7, I would cook and prep alongside my grandfather in his kitchens before I could even reach the tops of the prep tables and equipment without the aid of a small wooden step stool. I spent the first 20 years of my life in this world before rebelling as a young adult and choosing a different path. I was too young to know that what I was already doing would be all that I ever wanted to do. I took me almost another 20 years to find my way "home."

In my middle thirties, I decided to make a change in my life that would lead me away from the boredom and repetitiveness of corporate America and lead me to what has always been my passion, food. It was a change that I'd been contemplating for years. I took every ounce of courage that I could muster and every ounce of courage that I could borrow from my loved ones to leave my successful job in this economy and make a run at starting our own business.

My husband and I approached several banks in the hopes of acquiring funding for our business, but were rejected by all of them. We scraped together every penny that we had, including our retirement accounts, and borrowed small sums from as many of our friends and family that were able to help us just to get our business open. It was a year of hell leading up to our grand opening and there were many times when I didn't think we would get there. We got there.

A year and a half later, we operate a very popular business and enjoy an extremely loyal following. We employ anywhere from two to four employees (not including the two owners) depending on the season. These employees rely on our business for their livelihoods as we (the owners) rely on this business for our livelihoods. Even with our popularity and our loyal following, we struggle to get by some months.

I'd like to think that we are popular because we offer our customers a great product that keeps them coming back for more. In a free market, I believe that it is my job as a business owner to make a product that consumers will choose to pay for. If my product is bad, customers will stop coming and I will be out of business. This is exactly how a free market should work.

There are portions of the regulations that I thank you for. Specifically, getting ride of the line requirement and the addition of helper licenses so that vending permits don't need to be purchased by every employee.

Unfortunately, I do have issues with other sections. One of the biggest issues I have with the latest proposed regulations is that they seem to be constructed from a fair-use-of-public-space standpoint; however, I think the real motivation behind the proposed regulations is limiting competition for brick and mortar restaurants. The government should not be in the business of limiting consumer choice by eliminating competition for existing businesses.

Here are my specific concerns:

Dedicated Mobile Roadway Vending Zones

I mean absolutely no disrespect to whomever came up with this idea, but I think these are a mistake. Our businesses do not work this way. A vending location that is popular this month might not be 6 months from now. This is just the nature of our businesses and also one of the reasons that we like our businesses so much; consumers decide where we go and where we don't. Additionally, as written, the language is so vague, that DDOT literally has the autonomous power to put them up and take them down at their whimsy. This should not be allowed to happen.

Unobstructed Sidewalk Space (when vending outside of a dedicated MRV Zone)

The prohibition on vending where less than 10 feet of unobstructed sidewalk space exists is unnecessarily restrictive and would force trucks out of almost the entire CBD. It seems like the government is trying to solve a problem that does not exist. In the entire history of food trucks in DC, has there ever been one incident where someone was not able to walk down a sidewalk because food trucks were present? I've actually witnessed people in wheelchairs travel on the sidewalks while mobile vendors were present. Guess what folks did, if they thought they might be in the way of the person in the wheelchair. They moved. Brilliant, right?

Further, DDOT would have us believe that this is a standard distance (10 ft.) that is being applied to all sidewalk cafes and restaurants in the CBD. DDOT told the DC Food Truck Association (DCFTA) that they used 10 feet in the regs because that is what they require from restaurants. In The DCFTA study where we measured sidewalks around the city, we found that there were as many restaurants without 10 feet of sidewalk space as ones with 10 feet. Clearly, DDOT's argument that this is magic number of feet that applies to everyone does not hold water.

Unobstructed Sidewalk Space (when vending WITHIN dedicated MRV Zone)

The proposed regulations specifically state that DDOT cannot create dedicated MRV zones where less than 10 feet of unobstructed sidewalk exists (or 7 feet outside of the CBD). So, if we can't vend where less than 10 feet of sidewalk space exists, and if DDOT can't create dedicated MRV zones where less than 10 feet of sidewalk exists, then bye bye mobile vending in DC. Oh

except here's the thing! At an in-person meeting with Alice Kelly of DDOT, we (DCFTA) were told to not worry about the part of the regs that restricted DDOT's power over where dedicated mobile vending locations can be placed because DDOT always reserves the authority to change the rules at the Director's whim. So forget what the rules say folks, we can always change them later!! That's nuts!!

So following this through to its logical conclusion, the food trucks will be prevented from operating in the most popular areas of the city because of the sidewalk restriction, but DDOT gets to ignore the regulations and is promising to put up dedicated MRV zones in all of the most popular areas. This means that DDOT has the autonomous power to say exactly how many food trucks can operate in the city and to decide exactly where they will be. That is completely unacceptable in my opinion. The health/public-safety and the use-of-public-space arguments that make up these rules are thinly veiled attempts to limit the number of businesses that operate in the District. Deciding where our businesses can and cannot operate should not be left to the sole discretion of DDOT.

Quadrupling traffic fines for Mobile Vendors

Alice Kelly told the DCFTA that DDOT would be quadrupling the fine for overstaying a meter from \$25 to \$100, BUT ONLY FOR MOBILE VENDORS. This is outrageous. If a vendor overstays a meter, why should there be a different fine than there would be for an Audi in the same space.

These regulations simply cannot move forward. They would give way to much power to DDOT to be the sole decider on where food trucks can and cannot operate in the District. The proposed regulations are extremely vague and leave way to many questions without answers.

I'm a small business trying to survive in a shitty economy. Trying to keep the rent paid and the lights on. Making sure my employees get paid even if I don't. All I want is a set of regulations that don't appear as though DCRA and DDOT were given a mandate by the mayor to get rid of the trucks. All I want is a fair shot at my dream.

Thank you for taking the time to read my comments.

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